

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, OCTOBER 2, 2014 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Ian Boni
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent: Councilmember-at-Large David Whitcomb

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Review Core Values: Councilmember-at-Large Terwilliger read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of September 4, 2014. Councilmember Ward 2 Boni seconded the motion.
Vote Result: Carried unanimously by voice vote (8-0)

Recognition of Guests:

- The Canandaigua Lake Watershed Association, a non-profit organization whose purpose is to protect the water quality and overall environment of the Canandaigua Lake, at its annual meeting recognizes a group or individual who has offered outstanding service to the lake community. Association members Jack Dailey, Steve Lewandowski and Lindsay McMillian presented the City of Canandaigua an award for its contributions to preserve and protect the lake.
- Ellie Syverud, representing “Bring Your Own Bag NY”, a non-profit organization, passionate to promote sustainable practices, spoke to the Council on their efforts to encourage the use of reusable bags and the elimination of single use plastic bags. This group is speaking to schools, the business community, the general public and local

governments about this issue. Their website has more information and encourages City Council to join in this effort to promote and sustain our communities' environment.

- Kevin Buckley, Arlington Park, represented the group in opposition to a dog park at Baker Park. This group wanted to address the full council with their issues and concerns about this location and asks that Baker Park be removed from consideration for a dog park.
- Joe Nacca, Chapel St., asked questions concerning the budget. He asked who pays the PILOT payments of \$111,375 and what would they pay if they did not have a PILOT agreement? Why do certain properties such as Walgreens and Rite Aid have large exemptions?

Committee Reports:

Environmental: Councilmember-at-Large Taylor reported that the Environmental Committee met on September 9th and discussed the following:

- Solar Panels at Water Treatment Plant
- Contract Extension for Use of Town Transfer Station

Ordinance: No report due to absence of Councilmember-at-Large Whitcomb.

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on September 23rd and discussed the following:

Minutes – Attachment 12A

- Report from Chamber of Commerce
- Budget Amendment Request for Fire Department
- Engineering Study Proposals for Hurly Building and City Hall
- Bell Atlantic Mobile of Rochester Lease Agreement
- Small Cell Tower Technology

Planning: Councilmember Ward 4 Wade reported that the Planning Committee has not met since the last meeting.

Resolutions:

Resolution #2014-075:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AMENDMENT TO THE TRANSFER FACILITY USAGE AGREEMENT WITH THE
TOWN OF CANANDAIGUA**

WHEREAS, the City and Town of Canandaigua entered into a Transfer Facility Usage Agreement dated May 1, 2014; and

WHEREAS, said agreement is scheduled to terminate on October 31, 2014; and

WHEREAS, the City and Town desire to continue the Agreement for an additional six months under the same terms and conditions;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute an Amendment to the Transfer Facility Usage Agreement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-076:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL ISSUING FINAL SITE PLAN APPROVAL FOR THE PROPOSED PHASE I - NORTH SHORE PROJECT IN THE LAKEFRONT REDEVELOPMENT PLANNED UNIT DEVELOPMENT, AS AMENDED ON SEPTEMBER 9, 2014

WHEREAS, On April 3, 2014, by Resolution #2014-035, the City Council adopted the final site plan of the proposed Phase I - North Shore Project with specified conditions; and

WHEREAS, in August 2014, the Applicant requested changes be made to the approved plan, including increasing surface parking spaces from 100 to 120 spaces; applicant fully reconstructing the proposed public parking lot; reducing the square footage of building A from 18000 square feet to 15000 square feet and updating the façade; and reducing the residential units in Building B from 137 to 135 but adding balconies to all units; and

WHEREAS, on August 21, 2014, and by Resolution #2014-0071, the City Council accepted the amended final site plan application for the Phase I - North Shore Project and referred it to the Ontario County Planning Board in accordance with Municipal Code §850-125(F); and

WHEREAS, On September 4, 2014, the City Council conducted a Public Hearing on the proposed Phase I - North Shore Project final site plan, as required by Section 850-125(G)(1) of the Municipal Code, and comments from the public were heard and deliberated upon by the City Council; and

WHEREAS, the Ontario County Planning Board reviewed the amended final site plan application on September 9, 2014; and

WHEREAS, On September 18, 2014, the Planned Unit Development Committee discussed with the Applicant the proposed amended final site plan, with certain revisions to the amended final site plan submitted on September 9, 2014, and has recommended that the final site plan, as revised and amended, of the Phase I - North Shore Project, be conditionally approved;

NOW, THEREFORE BE IT RESOLVED, that the Canandaigua City Council expressly approves the final site plan of the Phase I - North Shore Project, as revised and amended (dated 9/9/14), a copy of which is on file in the Office of the Director of Planning and Development, conditioned upon the Applicant complying with the following conditions and requirements:

1) Previous Conditions Continued: All conditions set forth in Resolution #2013-095 and the conditions set forth in the Statement of Council Regarding the Preliminary Site Plan incorporated therein, are continued unless otherwise expressly modified herein. All conditions set forth in Resolution #2014-035 are continued unless otherwise expressly modified herein.

2) Parking Requirements: As part of Phase I, Applicant shall be required to reconstruct the parking lot located to the north of the Hess gas station to the specifications as required by the City's Director of Public Works, and shall construct the adjacent walk way to Lakeshore Blvd., previously identified in proposed phase V of the Project, and provide ongoing maintenance and care of both until the reconstructed lot is dedicated to the City. The lot shall be designated for public use, with appropriate signage, and shall be at no cost to the City or the public. The Phase I design and construction specifics of the parking lot's rehabilitation shall be determined in consultation with the City of Canandaigua's Director of Public Works, and shall be guided by the generally accepted practices customary to the design and construction of public parking lots. The parking lot shall be maintained in a serviceable condition by the developer until such time as the parking lot is reconstructed according to City specifications and dedicated to the City.

BE IT FURTHER RESOLVED that:

Upon satisfaction of all conditions, including financial surety, and submission of a Schedule of Completion and a Schedule of Values for the Project, the City Council hereby directs the City Manager to endorse his approval on a copy of the amended Final Site Plan as approved herein, and directs him to forward said amended Final Site Plan to the City of Canandaigua Code Enforcement Officer for review and issuance of any necessary permits in conformance with the approval and conditions set forth by the City Council in this Resolution; and

At the Applicant's expense, the City, at the discretion of the City's Code Enforcement Officer and City Manager, may hire independent, third-party, qualified professionals for purposes of ensuring compliance with the New York State Building Code and Fire Prevention Code; and

This Resolution shall take effect immediately upon adoption.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-077:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION AMENDING THE
GENERAL FUND – PUBLIC SAFETY BUDGET**

WHEREAS, the City Council of the City of Canandaigua adopted Resolution 2013-087 adopting the 2014 Budget; and

WHEREAS, amendments to the 2014 Budget are necessary to incorporate certain changes in revenues and expenditures as required; and

WHEREAS, a budget amendment is requested to fund additional grant expenditures for the Fire Department Volunteer and Recruitment grant; and

WHEREAS, this budget amendment was reviewed and approved at the September 23rd Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes a budget amendment to the 2014 General Fund Public Safety budget in the amount of \$18,800. This amount is offset by a corresponding increase in Federal Grant Revenue of \$18,800.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-078:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

A RESOLUTION AWARING AN ARCHITECTURAL SERVICES CONTRACT

WHEREAS, the existing City of Canandaigua's City Hall is fully occupied at the current time and lacks sufficient space for certain current and anticipated functions; and

WHEREAS, the existing Hurley Building, which houses the Department of Public Works, was recently assessed and found to be in need of substantial upgrades to address its building systems and space utilization; and

WHEREAS, the City of Canandaigua wishes to develop a space utilization plan that integrates the Hurley Building and City Hall into a comprehensive plan; and

WHEREAS, the development of this space utilization plan is an extension of the architectural assessment of the Hurley Building completed by HBT Architects in March 2014, and

WHEREAS, funding for these architectural services was included in the adopted 2014 City of Canandaigua general fund capital budget; and

WHEREAS, HBT Architects has submitted an acceptable proposal to provide these architectural services for the fees presented below; and

City Hall	\$13,700
Hurley Building	<u>29,300</u>
Sub-Total	\$43,000
Expenses	<u>1,000</u>
Total	\$44,000

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to HBT Architects for architectural services to complete the space utilization plan for both City Hall and the Hurley Building in an integrated effort;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with HBT Architects, 16 South Main Street, Pittsford, NY 14534 to complete the necessary architectural services for a fee not-to-exceed \$44,000.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-079:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

A RESOLUTION AWARDDING AN ENGINEERING SERVICES CONTRACT

WHEREAS, the existing City of Canandaigua's City Hall is in need of mechanical, electrical, plumbing and fire protection systems improvements. This historic structure was expanded in the late 1980's and some mechanical upgrades were completed at that time. It has recently been architecturally renovated, but the basic building systems were not addressed; and

WHEREAS, securing contractors to complete these improvements will require having detailed plans and specifications describing the required construction; and

WHEREAS, the City wishes to contract for professional services which will consist of HVAC, plumbing, fire protection and electrical engineering designs for City Hall; and

WHEREAS, funding for these engineering services was included in the adopted 2014 City of Canandaigua general fund capital budget; and

WHEREAS, these engineering services are an extension of the engineering assessments completed by M/E Engineering in March 2014, and therefore it is logical and in the best interest of the City of Canandaigua that M/E Engineering complete the necessary design work; and

WHEREAS, M/E Engineering has submitted an acceptable proposal to complete this design work for a fee of \$88,000 and estimated expenses of \$800; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to M/E Engineering for engineering design services to complete the HVAC, plumbing, fire protection and electrical building systems designs for City Hall;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with M/E Engineering, 15 North Chestnut Street, Rochester, NY 14604 to complete the necessary engineering design services for a fee not-to-exceed \$88,800.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-080:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE FOR SPACE ON THE CITY'S NORTH MAIN STREET WATER TOWER FOR UP TO 25 YEARS FOR TELECOMMUNICATIONS FACILITIES TO BELL ATLANTIC MOBILE OF ROCHESTER, L.P. D/B/A VERIZON WIRELESS

WHEREAS, Local Law No. 1 of 2005 authorized the City Council to lease space on the City's North Main Street Water Tower for up to 25 years for telecommunications facilities and information technology equipment; and

WHEREAS, the Corporation Counsel has negotiated a lease of space for telecommunications facilities with representatives of Bell Atlantic Mobile of Rochester, L.P. d/b/a Verizon Wireless; and

WHEREAS, the terms of the proposed lease agreement between the City of Canandaigua and Bell Atlantic Mobile of Rochester, L.P. d/b/a Verizon Wireless have been reviewed by the Finance Committee on September 23, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager be, and is, hereby authorized to execute the attached lease agreement with Bell Atlantic Mobile of Rochester, L.P. d/b/a Verizon Wireless

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2014-081:

Councilmember, Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF THE
PROPOSED “COTTAGES @ CANANDAIGUA”
PLANNED UNIT DEVELOPMENT**

WHEREAS, the Canandaigua City Council received a Planned Unit Development Sketch Plan Application on June 12, 2014 from Riedman-Wegman Joint Venture (collectively the “Applicant”) for the Cottages @ Canandaigua Planned Unit Development (the “Project”) pursuant to the Planned Unit Development Ordinance of the City of Canandaigua; and

WHEREAS, the Canandaigua City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed project, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

WHEREAS, upon review of the information recorded on the EAF regarding project impacts and consideration of both the magnitude and importance of each impact, it is reasonably determined that the project will result in no major adverse impacts and, therefore, will not cause significant damage to the environment;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that the Project will not have a significant adverse environmental impact, and directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Resolution #2014-082:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption.
Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION AMENDING THE
GENERAL FUND – PUBLIC SAFETY BUDGET**

WHEREAS, the City Council of the City of Canandaigua adopted Resolution 2013-087 adopting the 2014 Budget; and

WHEREAS, in January while performing maintenance of the Fire apparatus corroded components were identified that resulted in obtaining a bumper-to-bumper inspection of all of the Fire Department apparatus by Vander Molen Fire Apparatus;

WHEREAS, Vander Molen completed its inspections and identified required repairs that were in addition to previously identified and anticipated repairs, said repairs totaled \$15,000 and were completed utilizing existing funds within the Fire Department budget;

WHEREAS, subsequent to Vander Molen's inspections, additional unanticipated repairs were required due to equipment failures that were discovered by Fire Department personnel while performing weekly equipment inspections, said repairs totaling \$9,916.85

WHEREAS, in addition to the unanticipated repairs the overtime budget for the Fire Department has been fully utilized to date and additional funds of \$10,500 are needed for any overtime costs that maybe required for the remainder of the year; and

WHEREAS, the \$20,416.85 total for the unanticipated repairs and additional overtime can be partially covered utilizing existing funds within the Fire Department budget, however a budget amendment appropriating an additional \$15,000 is requested for the portion that cannot be paid for utilizing existing funds; and

WHEREAS, the budget amendment was reviewed at the September 23rd Finance Committee meeting, but failed to receive committee approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes a budget amendment to the 2014 General Fund Public Safety budget in the amount of \$15,000 from the Contingency budget.

Discussion: This did not pass through committee but Councilmember-at-Large Terwilliger placed this on the agenda because these expenses need to be paid. We have not given additional funds to the Fire Department over the past year. The captain positions were funded by allocations within the fire department. We need to understand the issues in the Fire Department and deal with them during the 2015 budget process. Other Councilmembers were not comfortable voting on this request because of the lack of information from the fire chief on these items, the need to understand how management is actually managing personnel, and why the part time positions are not reducing overtime.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci,

Ordinances:

Ordinance #2014-011: *(Introduced and tabled at the September 4 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 648 OF THE MUNICIPAL CODE
TO REDUCE THE SPEED LIMIT ON LAKESHORE DRIVE**

Lift from the table: Councilmember Ward 2 Boni moved to lift Ordinance 2014-011 from the table. Councilmember, Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote.

Vote: Councilmember Ward 2 Boni moved to approve Ordinance 2014-011. Councilmember, Ward 1 Cutri seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Ordinance #2014-012: *(Introduced and tabled at the September 4 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 292 OF THE MUNICIPAL CODE
TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY**

Councilmember-at-Large Bucci recommends that this remain on the table so that this can go back to Committee to discuss additional information from Kevin Olvany, Watershed Manager and Russell Welser, Ontario County Cooperative Extension Home & Grounds, Natural Resources and Agriculture Senior Extension Educator.

Local Law: None

Manager's Report:

City Manager David Forrest reported on the following:

- Habitat for Humanity will be working on 8 properties within the City, using 40 volunteers from Constellation Brands, for residents who need help cleaning up their properties.

Miscellaneous:

Roundtable comments by Councilmembers:

- Councilmember-at-Large Terwilliger pleased to see all the events going on in the City for September and October.
- Councilmember-at-Large Taylor thanked Dave Forrest for the work with Habitat for Humanity and asked everyone to “slow down”, use the crosswalks and be safe because school is in session and there are a lot of events happening in the area.
- Councilmember-at-Large Bucci mentioned that the Canandaigua Lake Watershed Council issued a draft Watershed Management Plan called “Protecting the Lifeblood of the Region,” and it outlines all the things the City of Canandaigua has done to support the Watershed Council and protect the Lake. Councilmember-at-Large Bucci invites residents to read section 4.2 of the draft plan on Lawn and Landscaping Practices. A copy of this plan is available at the library. Also, the US Army Reserve Center will be leaving its current location and it will no longer be a polling place. Information on the new polling place will be mailed to those residents affected by this change.
- Councilmember Ward 4 Wade spent a lot of time on pesticide/fertilizer issue over the last 5 years but have addressed only one of the 14 items on the Strategic Plan. How would we enforce a ban on pesticide/fertilizer when in certain areas we cannot determine the City right of way and residents on state highways such as Main St. and Gibson St will be exempt? We need to educate residents on what they should use on their lawn and let them make a choice.
- Councilmember Ward 3 White reminded residents of the numerous activities to do in this area in the fall.
- Councilmember Ward 2 Boni voted in favor of the budget amendment for the Fire Department because he did not vote on the original budget but will be looking at this in detail during the budget process for 2015. He also stated that bow hunting started yesterday so keep safe.
- Councilmember, Ward 1 Cutri thanked City Manager and Code Enforcement Officer for getting properties recommended to Habitat for assistance. He also noticed that there are several street lights out that need to be addressed.
- Mayor Polimeni mentioned that the Ontario County Arts Council circulate their artwork at various locations and City Hall is now part of that program. Mayor Polimeni met with Senator Schumer at Sonnenberg and he stated that he will advocate that the Army Reserve location be returned to Sonnenberg to make it an education center.

Regular Session:

Councilmember, Ward 1 Cutri moved to adjourn the regular session at 8:50 PM.
Councilmember Ward 3 White seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer